

TITLE 329 SOLID WASTE MANAGEMENT DIVISION**IC 13-14-9.5 NOTICE OF FINAL READOPTION**

LSA Document #19-249(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

PURPOSE OF NOTICE

Under [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 329 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

READOPTED RULES:

329 IAC 7.1-2-5	"Geologically sensitive area" defined
329 IAC 7.1-2-9	"No further action letter" defined
329 IAC 7.1-4	Assessment of Hazardous Substances Response Sites
329 IAC 8	HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM
329 IAC 10-9-2	Municipal solid waste landfill waste criteria
329 IAC 10-9-3	Construction/demolition site waste criteria
329 IAC 10-9-4	Restricted waste sites waste criteria
329 IAC 10-9-5	Nonmunicipal solid waste landfill waste criteria
329 IAC 10-24	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-25	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Location Restrictions
329 IAC 10-26	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Liner System Design Standards and Height Increases
329 IAC 10-27	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operation Approval and Preoperational Requirements
329 IAC 10-28	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operational Requirements
329 IAC 10-29	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Ground Water Monitoring and Corrective Action
329 IAC 10-30	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Closure Requirements
329 IAC 10-31	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Post-Closure Requirements
329 IAC 10-32	Restricted Waste Site Type III and Construction/Demolition Sites; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-33	Restricted Waste Site Type III and Construction/Demolition Sites; Location Restrictions
329 IAC 10-34	Restricted Waste Site Type III and Construction/Demolition Sites; Liner System Design Standards
329 IAC 10-35	Restricted Waste Site Type III and Construction/Demolition Sites; Operation Approval and Preoperational Requirements
329 IAC 10-36	Restricted Waste Site Type III and Construction/Demolition Sites; Operational Requirements
329 IAC 10-37	Restricted Waste Site Type III and Construction/Demolition Sites; Closure Requirements
329 IAC 10-38	Restricted Waste Site Type III and Construction/Demolition Sites; Post-Closure Requirements
329 IAC 11-3	Exclusions
329 IAC 11-4	Previously Permitted Facilities Closed Prior to Effective Date of this Article; Responsibilities
329 IAC 11-5	Application of this Article to Existing Permittees and Facilities; Transition Provisions
329 IAC 11-8	Solid Waste Processing Facility Classifications and Waste Criteria
329 IAC 11-10	Action on Permit and Renewal Permit Applications
329 IAC 11-14	Solid Waste Processing Facilities; Quarterly Tonnage Reports

329 IAC 11-15	Miscellaneous Requirements Concerning Solid Waste Management
329 IAC 11.5	BIOMASS ANAEROBIC DIGESTION FACILITIES AND BIOMASS GASIFICATION FACILITIES
329 IAC 11.6	MOBILE HOME SALVAGING FACILITIES
329 IAC 11.7	ALTERNATIVE FUEL SOURCE
329 IAC 12-1	General Provisions
329 IAC 12-2-1	Definitions
329 IAC 12-2-18	"Incinerator" defined
329 IAC 12-2-21.1	"Interim operator" defined
329 IAC 12-2-27.1	"Operator" defined
329 IAC 12-2-31	"Processing" defined
329 IAC 12-2-41	"Site" defined
329 IAC 12-2-47	"Solid waste processing facility" defined
329 IAC 12-4	Collection Container Systems
329 IAC 12-7-8	Duplicate certificate
329 IAC 16-1	General Provisions
329 IAC 16-2	Definitions
329 IAC 16-4	Thermal or Chemical Treatment
329 IAC 16-5	Registration
329 IAC 16-8	Employee Training
329 IAC 16-9	Disposal of E-Waste
329 IAC 18-1-1	Applicability

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: May 1, 2019, Indiana Register (DIN: [20190501-IR-329190249BNA](#)).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2020. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedures be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles must be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency shall:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking and are not exempt from the readoption process under [IC 13-14-9.5](#):

- [329 IAC 7.1-2-5](#)
- [329 IAC 7.1-2-9](#)

[329 IAC 7.1-4](#)
[329 IAC 8](#)
[329 IAC 10-9-2](#)
[329 IAC 10-9-3](#)
[329 IAC 10-9-4](#)
[329 IAC 10-9-5](#)
[329 IAC 10-24](#)
[329 IAC 10-25](#)
[329 IAC 10-26](#)
[329 IAC 10-27](#)
[329 IAC 10-28](#)
[329 IAC 10-29](#)
[329 IAC 10-30](#)
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[329 IAC 11-15](#)
[329 IAC 11.5](#)
[329 IAC 11.6](#)
[329 IAC 11.7](#)
[329 IAC 12-1](#)
[329 IAC 12-2-1](#)
[329 IAC 12-2-18](#)
[329 IAC 12-2-21.1](#)
[329 IAC 12-2-27.1](#)
[329 IAC 12-2-31](#)
[329 IAC 12-2-41](#)
[329 IAC 12-2-47](#)
[329 IAC 12-4](#)
[329 IAC 12-7-8](#)
[329 IAC 16-1](#)
[329 IAC 16-2](#)
[329 IAC 16-4](#)
[329 IAC 16-5](#)
[329 IAC 16-8](#)
[329 IAC 16-9](#)
[329 IAC 18-1-1](#)

Therefore, the above-listed rules are readopted under [IC 13-14-9.5-4](#). The rules have been submitted to the Publisher for filing and are effective 30 days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2026. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

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First Notice of Comment Period: [20190501-IR-329190249BNA](#)

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